

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 3RD JUDICIAL CIRCUIT
WAYNE COUNTY

STATE TREASURER,

Plaintiff,

v.

JAMES MANN, [REDACTED]

Defendant.

05-507174 CZ 3/11/2005
JDG: SUSAN D. BORMAN
STATE TREASURER
VS
MANN JAMES #481580

STIPULATED FINAL ORDER

This matter having come before the Court on a Complaint and Order to Show Cause why an Order should not be entered appropriating and applying the Defendant's assets to reimburse the State for the cost of Defendant's confinement in a State correctional facility in accordance with the State Correctional Facility Reimbursement Act (SCFRA), being MCL 800.401, *et seq.*, and the parties having agreed to settlement of this claim in order to avoid further costs associated with litigation and the Court having been otherwise fully advised:

IT IS HEREBY stipulated and agreed by the undersigned as follows:

1. The State of Michigan has expended money for the cost of Defendant James Mann's care while in prison. As evidence by Plaintiff's Affidavit of Costs, filed with the Court Defendant will owe approximately \$350,960.00 for the cost of his care through his maximum release date of June 8, 2019.

2. The Defendant's Power of Attorney is his wife Helen Mann, [REDACTED]
[REDACTED]

3. As reimbursement for the cost of Defendant James Mann's continuing care while in prison, Defendant James Mann through his Power of Attorney Helen Mann, is hereby ordered

to make monthly distributions to the State of Michigan in the amount of \$70.00. But these payments shall not exceed the actual cost of James Mann's care.

4. The monthly payments are to be made on the **first day of each month**, and shall commence on July 1, 2005. Payments shall be made payable to the "**State of Michigan**" and mailed to the following address:

Heather L. Donald
Prison Reimbursement Section
Department of Attorney General
3030 W. Grand Blvd., Ste. 10-200
Detroit, MI 48202

5. Defendant James Mann through his Power of Attorney Helen Mann, shall be responsible for ensuring that these payments are received by the State on the due date. If any payment is more than 60 days late, the State may exercise its option to implement the **Default Provisions** of this Order. These payments shall continue for so long as Defendant James Mann is under the jurisdiction of the Michigan Department of Corrections, except for any period of time that Defendant James Mann is paroled and is not incurring costs to the State. In return, the State waives any direct claim to Defendant James Mann's pension unless a payment is more than 60 days late and the State exercise the Default Provisions of this Order.

6. Funds currently held on deposit, in Defendant James Mann's prison account shall be released to Defendant James Mann to be used for any legal purpose not otherwise prohibited by the Department of Corrections.

7. This Order shall continue in effect until the Defendant, James Mann, is released from the physical custody of the State of Michigan Department of Corrections.

8. This case is dismissed without prejudice and without costs to either party.

9. This is a final order and resolves the last pending claim in this case.

DEFAULT PROVISIONS

If the monthly payment is more than 60 days overdue the State, upon notification by letter mailed to the Defendant James Mann at his prison address and to the Defendant's Power of Attorney Helen Mann at her last known address may implement the following Default provisions of this Order.

a. The Defendant, James Mann, is incarcerated in a State of Michigan correctional facility, and during the period of incarceration, his legal address is the Michigan correctional facility in which he is confined, currently the Mid-Michigan Correctional Facility, 8201 N. Croswell Road St. Louis, MI 48880.

b. Upon default, Defendant James Mann will be ordered to notify General Motors, to cancel his direct deposit, if applicable, and notify General Motors that all monthly pension benefit checks shall be made payable to Defendant James Mann and mailed to him at his legal address at the Mid Michigan Correctional Facility. Additionally, and within one week of any transfer to a different facility, Defendant James Mann shall notify General Motors of his new prison address.

c. If Defendant, James Mann, shall fail or refuse to notify General Motors of his current legal prison address, or upon transfer to a new facility, of any future prison address, the warden or her representative of the correctional facility where James Mann is confined shall serve a copy of this Order, along with certification of the address of the correctional facility where James Mann is confined, upon General Motors, and this shall serve as notification to General Motors of Defendant James Mann's legal address

where he is to receive his pension benefits by check and made payable to James Mann and mailed to Defendant James Mann's prison address.

d. The warden or his representative at the correctional facility where James Mann is confined, and the warden or her representative of any future correctional facility where James Mann may be housed, will be ordered to make monthly distributions to the State of Michigan from James Mann's prison account in the amount equal to 90% of the pension payments made to him from General Motors, as reimbursement for the cost of his continuing care while in prison, but these payments shall not exceed the actual cost of James Mann's care.

e. Payments shall be made payable to the "State of Michigan" and electronically mailed to: Heather L. Donald, Department of Attorney General, Prison Reimbursement Section.

e. The remaining 10% of the pension payments shall be released to Defendant James Mann to be used for any legal purpose not otherwise prohibited by the Department of Corrections.

f. Once the Default Provisions of this Order have been exercised by the State of Michigan, the Default Provisions shall remain in effect until the Defendant James Mann, is released from the physical custody of the State of Michigan Department of Corrections.

Date: JUN 03 2005

HON. SUSAN D. BORMAN

Wayne County Circuit Court Judge

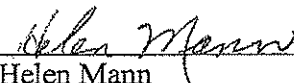

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

BY

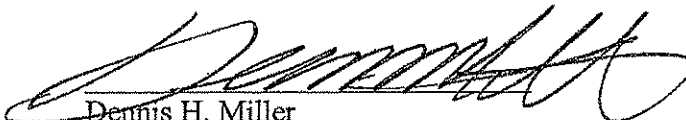

DEPUTY CLERK

APPROVED AS TO FORM AND SUBSTANCE


Date: 5/25/05


Helen Mann
Power of Attorney for
Defendant James Mann 

Date: 5/25/05


Dennis H. Miller
Attorney for Defendant
James Mann 

Date: 5/26/05


Heather L. Donald (P57351)
Assistant Attorney General
State of Michigan
Attorney for Plaintiff